

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್, —ಶುಗರ್ ಫ್ಯಾಕ್ಟರಿಗಳಿಗೆ ತಾವು ಎಕ್ಸ್‌ಂಪ್‌ಷನ್ ಕೊಟ್ಟಿದ್ದೀರಿ, ಶುಗರ್ ಫ್ಯಾಕ್ಟರಿಗಳಿಗೆ ಪವರ್ ಎಕ್ಸ್‌ಂಪ್‌ಷನ್ ಮಾಡುವಂಥ ಪರಿಸ್ಥಿತಿ ಏನು ಇತ್ತು? ಅವರು ಹೇರಳವಾಗಿ ಲಾಭ ಮಾಡಬೇಕಾದರೆ, ಅವರಿಗೆ ಎಕ್ಸ್‌ಂಪ್‌ಷನ್ ಕೊಡತಕ್ಕ ಪರಿಸ್ಥಿತಿ ಏನು ಇತ್ತು? ಕೇಂದ್ರ ಸರ್ಕಾರದ ಫ್ಯಾಕ್ಟರಿಗಳಿಗೂ ಪವರ್ ಎಕ್ಸ್‌ಂಪ್‌ಷನ್ ಮಾಡಿದ್ದೀರಿ. ಯಾವ ರೀತಿಯಾದ ಪಾಲಿಸಿ ಇಲ್ಲವೆ ಎಕ್ಸ್‌ಂಪ್‌ಷನ್ ಕೊಡುತ್ತಿದ್ದೀರಿ, ಇದನ್ನು ಪುನರ್ ಪರಿಶೀಲನೆ ಮಾಡುತ್ತೀರಾ?

ಶ್ರೀ ಎಚ್. ಸಿ. ಶ್ರೀಕಂಠಯ್ಯ, — ಈಗಾಗಲೇ ನಾವು ಎಲ್ಲಾ ತರಹ ಇದರ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡಿ ಕೇಂದ್ರ ಸರ್ಕಾರದ ಫ್ಯಾಕ್ಟರಿಗಳಿಗೆ ಅವು ಫಾರಿನ್ ಎಕ್ಸ್‌ಚೇಂಜ್ ಗಳಿಸತಕ್ಕವು ಮತ್ತು ಫಿನಾನ್ಸ್ ಓರಿಯಂಟೆಡ್ ಇಂಡಸ್ಟ್ರಿಸ್ ಎಂದು ಕೇಂದ್ರ ಸರ್ಕಾರದ ಒತ್ತು ಯದ ಮೇಲೆ ಅವರಿಗೆ ಪವರ್ ಎಕ್ಸ್‌ಂಪ್‌ಷನ್ ಕೊಟ್ಟಿದ್ದೇವೆ. ಯಾವುದಾದರೂ ಅಂಥ ನಿರ್ದಿಷ್ಟವಾದ ಕಾರ್ಖಾನೆಗೆ ಮಾನ್ಯ ಸದಸ್ಯರು ಪವರ್ ಎಕ್ಸ್‌ಂಪ್‌ಷನ್ ಬೇಕು ಎಂದರೆ ಅದನ್ನೂ ಕೂಡ ಪರಿಶೀಲನೆ ಮಾಡಬಹುದು.

MADAM SPEAKER.—Now the Question hour is over.

QUESTION FOR ANSWERS ON THE DAY

(But not taken up)

Irrigation facilities for area under Mulberry

606. SRI J. VENKATAPPA (Sidlaghatta).—

Will the Minister of State for Sericulture be pleased to state.—

(a) the total area under mulberry in the State both irrigated and non-irrigated;

(b) the steps taken to provide irrigation facilities in the area of where the majority of the area under mulberry, is non-irrigated?

SRI V. S. KOUJALGI (Minister of State for Sericulture).—

(a) Rainfed	1,97,898-35 acres
Irrigated	61,623-04 acres

Total ...	<u>2,59,521-39</u> acres
-----------	--------------------------

(b) The only possibility of converting the Rainfed Mulberry into irrigated is by digging wells. The Crash Programme envisages digging of about 14,000 wells in the course of 7 years at an estimated cost of Rs. 1,073 lakhs.

Calling Attention to Matters of Urgent Public Importance

(ii) re : denial of promotions to Senior officials of S.A.D.

9-30A. M.

SRI H. D. DEVEGOWDA. (Holenarasipur).—I call the attention of the Hon. Minister for Finance and Housing to the denial of promotion to the Senior Officers and Officials of State Accounts Department in spite of the decision of the High Court.

SRI M. Y. GHORPADE (Minister for Finance and Housing).— I wish to make the following statement.

Government have issued the Karnataka Civil Services (Kannada Language and Service Examinations) Rules, 1974. These rules prescribe examinations for the different categories of posts in all Government Departments. Under the above rules, examinations have been prescribed for different in the State Accounts Department. The rules came into effect from 10-1-1974. A period of two years has been provided to enable officials to pass the prescribed examinations.

2. In Accordance with the Karnataka Civil Services (Regulation of Pay, Promotion and Pension) Act, 1974, the review of promotions for the different cadres in the State Accounts Department was completed and published on 22-2-1974 (non-gazetted) and 23-5-1974 (Gazetted). The Cadre and Recruitment Rules of the State Accounts Department were amended on 30-8-1963. The rules prescribed the passing of S.A.S. Examination for eligibility for promotion to the Superintendents' Cadre. Since S.A.S. Examination had been prescribed in the integrating areas also prior to 1-11-1955, a decision was taken to review promotions to the cadre of Superintendents insisting on passing the S.A.S. Examinations.

3. Aggrieved by the review published in accordance with the Karnataka Civil Services (Regulation of Pay, Promotion and Pension) Act 1974, some officials of the State Accounts Department filed writ petitions in the High Court. The High Court upheld the contention of the petitioners that there was no valid prescription of examinations in the Cadre and Recruitment Rules issued on 30-8-1963. However, in view of a recent decision by the Supreme Court in Shujat Ali -Vs- Union of India that prior approval of Government of India for prescribing examinations to allottees was not necessary in view of the Central Government O.M. dated 11-5-1957, it was decided to file a Writ Appeal. However, the writ appeal was rejected at the Admission Stage. The High Court have also rejected leave to appeal to the Supreme Court.

4. It has now been decided not to file Special Leave Petitions before the Supreme Court. Therefore, action is being taken to review promotions in the State Accounts Department in accordance with the directions of the High Court.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ.— ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷರವರವರಿಗೆ, ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಏನು ವಿವರಣೆ ಕೊಟ್ಟಿದ್ದಾರೆ ಆ ವಿವರಣೆಯಲ್ಲಿ ಇನ್ನೂ ಹಲವಾರು ವಿಷಯಗಳನ್ನು ಈ ಸಭೆಯ ಗಮನಕ್ಕೆ ತಂದಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು. ಏತಕ್ಕಿಂತಲೂ ಹೈಕೋರ್ಟಿನವರು ಡೈರೆಕ್ಟಿವ್ ಕೊಟ್ಟ ಮೇರೆ ರಾಜ್ಯ ಸರ್ಕಾರ ದವರೂ ಕೂಡ ಪುನಃ ಅದೇ ನಿರ್ದೇಶನವನ್ನು ಕೊಟ್ಟಿಂಥ ಸನ್ನಿವೇಶದಲ್ಲೂ ಕೂಡ ಕೆಲವು ಅಧಿಕಾರಿಗಳಿಗೆ ಪ್ರಮೋಷನ್ ಕೊಡತಕ್ಕಂಥಾದ್ದರ ಔಚಿತ್ಯ ಏನು? The Controller of State Accounts Department by overruling the directive of the High Court and the directive of the State Government *suo motto* he himself issued promotional orders. What action the Government proposes to take against that officer?

SRI M. Y. GHORPADE.—The issue is not so simple as is made out. The examinations were prescribed and they apply to all the areas. The High Court held that the examinations were not properly prescribed because prior approval of the Government of India was not received. At the same time, the Supreme Court also held that the prior approval of Government of India was not necessary because in the Official Memorandum issued by Government of India the permission or approval is deemed to have been given. So we had before us both these decisions. For further action to be taken in this matter we had to consult the legal department and also we had to weigh both the decisions of the High Court and the Supreme Court. After taking all aspects into consideration the Government have come to the conclusion that we should not go into appeal to the Supreme Court over the decision of the High Court. In other words the High Court decision to give promotions on the basis of seniority and not on the basis of passing the examinations has been accepted by the Government and this decision will be implemented. Since the Accounts Department is busy preparing fresh list it will take another fifteen days to implement this decision.

SRI H. D. DEVE GOWDA.—On 10-1-1974 the State Government has relaxed the rules and the promotions could be given on the basis of seniority list upto 10-1-1976 according to the Government direction. In addition to this, the High Court has given a decision that promotions should be given only on the basis of seniority list. After examining all these aspects the Law Department has also given the opinion in favour of these officials who had filed their writ petitions and got a directive from the High Court. I have the copy of the law department's opinion with me. Please enlighten us as to what is the opinion given by the Law Department in this regard. The Government is trying to suppress the information from this House. Do you want to safeguard the interests of those officers who have flouted the decision of the High Court and also the directive of the Government and the opinion of the legal department?

SRI M. Y. GHORPADE.—It is not fair to cast aspersions on any one officer. After all the department is not run by one officer. There have been occasions when both the groups of people met me. The contentions of the persons who have passed examinations is that the examinations were uniformly prescribed to all areas and they had passed the examinations and if you now disregarded this those who have passed the examinations will have to be sent back. At the same time those who have not passed examinations they stated that they have served the department for so many years. We have given most patient hearing to both the sides and we have tried our best to minimise the injustice and therefore after going into all aspects we have thought the best thing would be to implement the decision of High Court. Certain amount of delay which might have occurred in examining the pros and cons should ascribe to the deliberate mischief on the part of

any one officer. So far as the order of 10-1-1974 is concerned, we have passed that order, and after that we have given two years time. Therefore, after 1976 there will be no such difficulty. For passing the test two years time has been given and they will have to pass the test in order to get the promotion. These things pertain only to the previous situation.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.—ಲಾ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನಿಂದ ತಮಗೆ ಇನ್‌ಫರ್ಮೇಷನ್ ಬಂದಿದೆಯೇ?

ಶ್ರೀ ಎಂ. ವೈ. ಘೋರ್ಪಡೆ.—ಬಂದಿದೆ.

SRI H. D. DEVE GOWDA.—How this officer can promote two junior most officials contrary to the directions of the Government based on the opinion of the Law Department? The Law Department was also consulted by the Government before issuing that direction. Subsequently, on the intervention of the Commissioner for Finance the promotion order was withdrawn by that officer—Why? Are promotions given according to the whims and fancies of the officers.

SRI M. Y. GHORPADE.—The Law Department is supposed to put before us all the legal opinion and it is for the concerned department to take the view. On Several occasions the Law Department gives a particular view and then after some time they give some other view.

SRI H. D. DEVE GOWDA.—I know the Hon'ble Finance Minister is not a person to shield any officer. But, in this particular case why does he want to shield that officer?

SRI M. Y. GHORPADE.—I am personally convinced that it was a very difficult situation to satisfying both these groups.

SRI H. D. DEVE GOWDA.—It is not a question of satisfying any group, it is question of satisfying the law of the land!

SRI M. Y. GHORPADE.—I am afraid, the decision of the High Court is not after all the last word, because there is also the Supreme Court. ಇನ್ನು ೦೫ ದಿವಸಗಳಲ್ಲಿ ಹೈಕೋರ್ಟ್ ಡಿಷಿಷನ್ ಇಂಟಿಮೇಟ್ ಮಾಡುತ್ತೇವೆ. ಇದರ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡಬೇಕಾಗಿಲ್ಲ. ೧೯೭೬ ಅದನಂತರ ಯಾವ ತೊಂದರೆಯೂ ಇರುವುದಿಲ್ಲ. ಈಗ ಟೆಸ್ಟ್ ಪಾಸು ಮಾಡುವುದಕ್ಕೆ ೨ ವರ್ಷ ಟೈಂ ಕೊಟ್ಟಿದ್ದೇವೆ.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.—ಹೈಕೋರ್ಟ್ ಆರ್ಡರು ಮತ್ತು ಸರ್ಕಾರದ ಆದೇಶ ಇವೆರಡನ್ನೂ ಉಲ್ಲಂಘಿಸಿ ಅಕೌಂಟ್ಸ್ ಇಲಾಖೆಯ ಮುಖ್ಯಾಧಿಕಾರಿಗಳು ಜೂನಿಯರ್ ಆಫೀಸರಿಗೆ ಪ್ರಮೋಷನ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಅವರ ಮೇಲೆ ತಾವು ಏನು ಕ್ರಮ ತೆಗೆದುಕೊಂಡಿದ್ದೀರಿ?

ಶ್ರೀ ಎಂ. ವೈ. ಘೋರ್ಪಡೆ.—ಇದರ ಬಗ್ಗೆ ನಾವು ಸಾಕಷ್ಟು ಯೋಚನೆ ಮಾಡಿದ್ದೇವೆ. ಮತ್ತೆ ಇದರ ವಿಚಾರದಲ್ಲಿ ಕೆಲವು ವಿಷಯಗಳನ್ನು ತಿಳಿಸಬೇಕೆಂದು ಆ ಅಧಿಕಾರಿಗಳಿಗೆ ನಾವು ತಿಳಿಸಿದ್ದೇವೆ.

SRI H. D. DEVE GOWDA.—I want a frank admission from the Hon'ble Finance Minister about the officer who acted against the direction of the Government.

SRI M. Y. GHORPADE.—Marely because the officer in the Department express certain views, which may or may not be palatable to some members, we cannot jump to the conclusion that they have deliberately done it.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.— ೧೫-೨-೧೯೭೫ರಲ್ಲಿ ಫಸ್ಟ್ ಡಿವಿಜನ್ ಕ್ಲರ್ಕ್‌ಗಳಿಗೆ ಇಬ್ಬರಿಗೆ ಪ್ರಮೋಷನ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಏತಕ್ಕೆ ಕೊಟ್ಟಿದ್ದಾರೆ? ಅವರಿಗೆ ಟೆಂಪರರಿ ಬೇಸಿಸ್ ಕೊಟ್ಟಿದ್ದಾರೆಯೇ? ಅಥವಾ ಪರ್ಮನೆಂಟ್ ಬೇಸಿಸ್ ಮೇಲೆ ಕೊಟ್ಟಿದ್ದಾರೆಯೇ? I-Division Clerk are promoted purely on temporary basis ಇನ್ನು ತಿಂಗಳಲ್ಲಿ ರಿಟೈರ್ ಆಗುತ್ತಂಥಾ ಅಧಿಕಾರಿಗಳು ನಾನು ರಿಟೈರ್ ಆಗುವವರೆಗೂ ಯಾರು ಏನು ಹೇಳಿದರೂ ಯಾರಿಗೂ ಪ್ರಮೋಷನ್ ಕೊಡುವುದಿಲ್ಲ ಎಂದು ಜಾಲೆಂಜ್ ಮಾಡುತ್ತಿದ್ದಾರೆ.

SRI M. Y. GHORPADE.— There might have been delays, but there has been no question of flouting the decision of the High Court. Nothing has been done in contravention of the decision of the High Court. According to the information I have some in-charge arrangements have been made.

SRI KAGODU THIMMAPPA.—Why ?

SRI M. Y. GHORPADE.— It is because the issue was not settled.

SRI H. D. DEVE GOWDA.—Why only some promotions were made? According to the directions of the High Court the issue was settled, and it was the duty of the Government to follow the orders of the High Court. Such being the case how this officer promoted the junior officials? Is that officer above Government? Why does the Hon'ble Finance Minister want to shield that officer?

SRI M. Y. GHORPADE.—Madam Speaker, as I said earlier, they are only referring to the minor issues. One or two persons were put in-charge for some time. That position was also corrected subsequently. That is not a very big mistake. ಹೈಕೋರ್ಟ್ ತೀರ್ಮಾನದ ವಿರುದ್ಧ ಹೋಗಬಾರದು. ಈ ಬಗ್ಗೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತೇವೆ.

ಶ್ರೀ ಎಸ್. ಡಿ. ದೇವೇಗೌಡ.—ಅವರು ಪುನಃ ಜೂನಿಯರ್ ಆಫೀಸರನ್ನು ಪ್ರಮೋಟ್ ಮಾಡಿದ್ದು ತಪ್ಪು. ಫೈನಾನ್ಸ್ ಕಮಿಷನರು ಡೈರೆಕ್ಷನ್ ಕೊಟ್ಟ ಮೇಲೆ ಅದನ್ನು ವಿತ್‌ಡ್ರಾ ಮಾಡಿದರು. The Finance Commissioner intervened and the matter was corrected. I must compliment the Finance Commissioner for taking proper action. Why does the Finance Minister want to shield that officer?

SRI M. Y. GHORPADE.—If it was pointed out that it was contrary to the decision of the High Court and if it has been corrected, the matter ends there.

SRI H. D. DEVE GOWDA.— On 19-3-1975 Government issued directions to finalise the list and that it should be given effect to within 10 days. That period is also over. No action has been taken so far.

SRI M. Y. GHORPADE.— I must also take some responsibility for this, because this matter was discussed with me. I did tell the officers to discuss the matter with both the groups to see what can be done to ensure the interests of both the groups. It is at my instance that they took some more time to find out what can be done. Therefore, it is not fair to say that I am shielding that officer.

SRI H. D. DEVE GOWDA.—The Hon'ble Minister wants to go to the rescue of the officer.

SRI M. Y. GHORPADE.— I do not want to condemn any officer unnecessarily. It was pointed out that this will go contrary to the High Court order, and the matter was corrected. There the matter ends. So far as the other larger issue is concerned, I have already stated that it will be done within 15 days.

ಶ್ರೀ ಕೊಣಾದೂರು ಲಿಂಗಪ್ಪ. — ಇದನ್ನು ಇಷ್ಟು ವಿಳಂಬ ಮಾಡಿದ್ದರಿಂದ ಸರ್ಕಾರಕ್ಕೆ ೧೦ ಲಕ್ಷ ರೂಪಾಯಿಗಳು ನಷ್ಟವಾಗಿದೆ. ಇದರಲ್ಲಿ ೭೩ ಜನಗಳಿಗೆ ಚಿಂಪರಾಯಾಗಿ ಪ್ರಮೋಷನ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಅವರಲ್ಲಿ ಒಂದು ಸುಖಾತರ ಆ ಆಧಿಕಾರಿಯ ಕೋಮಿಗೆ ಸೇರಿದವರು. ಕಂಟ್ರೋಲರ್ ಅವರ ಜಿ ತಿ ಯವರು. ನ್ಯಾಯವಾಗಿ ನೋಡಿದರೆ ಪ್ರಮೋಷನ್ ಕೊಡುವಾಗ ಪರೀಕ್ಷೆಗಳಿಗೆ ಸ್ವಲ್ಪ ಬೆಲೆ ಇರಬೇಕು.

ಶ್ರೀ ಎಂ. ವೈ. ಫೋರ್ಪಡೆ — ಹೈಕೋರ್ಟ್ ತೀರ್ಮಾನ ಜಾರಿಗೆ ತರಲೇ ಬೇಕು. ಇಲ್ಲಿ ಯಾವ ಒಂದು ಕುತಂತ್ರವೂ ನಡೆದಿಲ್ಲ. ಎಲ್ಲಾ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನಲ್ಲಿಯೂ ಕೂಡ ಪರೀಕ್ಷೆಗಳಲ್ಲಿ ಪಾಸಾದವರಿಗೆ ಪ್ರಮೋಷನ್ ಕೊಡುತ್ತೇವೆ.

(ii) re : break down of K S R T C buses on the way during journey

SRI B. G. BANKAR. — I call the attention of the Minister for Transport and Tourism to the inconvenience caused to travelling public on account of breakdowns of KSRTC buses on the way during the journey

SRI M. MOHAMED ALI (Minister for Transport and Tourism).— I wish to state on follows :

Due to acute shortage of new tyres in the Market, the Karnataka State Road Transport Corporation is forced to operate a number of service without stepney with/ slightly bald tyres. As a result a few break-downs have occurred where the vehicles were standard enroute on account of the tyre puncture inconveniencing the passengers travelling.

2. Some of these break-downs have not been attended to promptly by the drivers which has inconvenienced the travelling public. On enquiry, it is learnt from the Corporation that adequate tools were not carried by these drivers. Disciplinary action will be taken against the drivers and the head of the concerned department who are squarely responsible for this. Corporation has taken to fit good tyres on all long distance buses, luxury buses and night services and all these vehicles are normally equipped with vehicle tools.

3. Recently, State Government has entered into a power deal with the Tamilnadu Government wherein powers has been supplied by Karnataka State Electricity Board to Tamilnadu State Electricity Board for the tyre manufacturing factories situated in Tamilnadu so that the extra production of tyres on account of this additional power will be earmarked exclusively for the two State Governments and the same distributed on an agreed formula between the two State Governments for their Road Transport Corporations and other public undertakings in their respective States.